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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 JERREL ANTHONY JONES,

9 Petitioner,

10 v.

11 STEPHEN D. SINCLAIR,

12 Respondent.

)  
)  
) Case No. C11-947-RSL  
)  
)

) **ORDER OF DISMISSAL AND**  
) **CERTIFICATE OF**  
) **APPEALABILITY FOR**  
) **CLAIM 1 AND CLAIM 9**  
)

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14 The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas  
15 corpus, subsequent briefing, all pending motions, the Report and Recommendation of the  
16 Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that,  
17 and the remaining record, finds and orders as follows:

- 18 1. The Report and Recommendation is ADOPTED<sup>1</sup>;
- 19 2. Petitioner's § 2254 habeas petition is DENIED and this matter is DISMISSED with  
20 prejudice;
- 21 3. Petitioner is GRANTED a certificate of appealability for **Claim 1** (ineffective  
22 assistance of counsel) and **Claim 9** (involuntary/unintelligent guilty plea) inasmuch

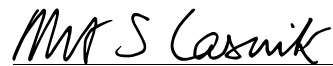
23 <sup>1</sup> The Court notes that there appears to be a typographical error on page 7, line 19, of the Report and Recommendation. As the remainder of the document reflects, Judge Tsuchida recommends that the Court dismiss this matter with prejudice. Dkt. # 42 at 2, 25.

1 as those claims are based on the possible discrepancy between petitioner's factual  
2 admission to assaulting the 14 year-old T.P. and his conviction for assaulting the 9  
3 year-old A.P.;

4 4. Petitioner is DENIED issuance of a certificate of appealability as to all other claims  
5 and grounds; and

6 5. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.  
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8 DATED this 18th day of April, 2012.  
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11 Robert S. Lasnik  
United States District Judge  
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